

Summary of May 21 Commission Discussion

On May 21, 2009, the Delta Protection Commission meeting agenda included an item on the draft *Land Use and Resource Management Plan Update*, including discussion and consideration of draft text and a public hearing.

Discussion Outcome 1: August Workshop

Several members of the Commission noted the difficulty they had had in finding time to review the draft Management Plan revisions in detail. Following lengthy discussion about different approaches and timing, the Commission agreed to hold a full-day public workshop in the second or third week of August to work through the plan in detail. The Commission agreed that having a quorum would be preferable so as not to have to backtrack later, and strongly encouraged all members to do their best to make the workshop.

In preparation for this, Commissioners agreed to submit detailed comments on the draft plan by Friday, June 26, close of business. The DPC staff and consulting team will then develop a comment matrix to assist Commissioners in working through the comments at the August workshop. The matrix will be provided to Commissioners no less than two weeks in advance of the workshop.

Discussion Outcome 2: Utilities and Infrastructure

The Commission agreed to reinstate the original language for Policy 1, including the use of the verb “shall” in the last sentence. It was noted that the Commission, according to the Water Code, does not have authority over other state agencies. It was requested that legal clarification of the DPC’s authority be provided for the August workshop. It was recommended that the Commission focus on the intent of its policies.

Presentations from County Planners and Discussion

Commissioners reviewed the research materials on buffers and residential development that had been handed out at the April 23 DPC meeting. All handouts are available on the DPC Management Plan Update website, <http://www.delta.ca.gov/plan/management.asp>

Planners from each of the five Delta counties provided presentations responsive to the Commission’s information requests from April 23, focusing primarily on zoning changes and potential for residential development. (Commissioner Reagan read the statement prepared by Solano County’s planning department.) The statements and handouts provided by each planner are also available on the aforementioned website.

In addition to the presentations, some questions and comments were noted, as follows.

Antiquated Subdivisions

It was requested that each of the planners also identify whether, and approximately how many,

antiquated subdivisions exist within the Primary Zone of their counties.

In response to questions, Chandler Martin, San Joaquin County, noted (1) that any proposal to build on an antiquated subdivision would have to go through a conditional use process; and (2) development titles do not mention transferring development rights from an antiquated subdivision to an offsite property that meets county standards.

Commissioner Reagan noted that Solano County was involved in a lawsuit that voided some maps and limited the subdivisions. Commissioner Reagan agreed to provide information on this to the Commission.

Using Assessor Parcels to Estimate Residential Development

David Morrison, Yolo County, noted that while estimates of homes were based on the number of assessor parcels, this was a theoretical discussion because the parcels are only used for taxation, they do not provide legal boundaries. Patrick Roche, Contra Costa County, expressed agreement with this caution about the use of assessor parcels to estimate residential development potential.

Contra Costa County Agricultural Core

Patrick Roche, Contra Costa County, added that the county has an area called the “agricultural core”, and the General Plan directs people to protect and preserve this area.

100-Year Floodplain

In response to a question, Patrick Roche, Contra Costa County, replied that probably a good portion of each county’s land in the Primary Zone was in the 100-year floodplain. Commissioner Scriven noted that this meant that probably no one county would have an easier opportunity to develop than another.

Discussion Outcome 3: Land Use Policies

The Commission then discussed several land use policies, including draft Land Use Policies 2, 4, 11, and 12. Highlights of this discussion are provided below.

Commissioner Johnston noted that the 1995 Plan’s version of Policy 2 had language that clarified that clustering was not intended to support new urban development in the Primary Zone. Commissioner McGowan expressed that he supported this language. The Commission agreed to amend the draft Land Use Policy 11 to include language about how clustering is not intended to support new urban development in the Primary Zone.

Commissioner Johnston asked whether other Commissioners would view as reasonable the transference of a development right from a parcel that could not be built upon due to floodplain controls and other conditions.

Commissioner Russell van Loben Sels (alternate for North Delta Water Agency) expressed that the 1995 policies also did not allow for increases in density, and that this policy should be continued. He continued that only Option 1 in draft Land Use Policy 4 limited new residential development to existing unincorporated communities; that this option should be

adopted; and that the transfer of development rights would thus be limited to these communities. Commissioner Mark Wilson asked whether this meant that once an existing unincorporated community was fully built out that no more development could occur anywhere within that county. Commissioner van Loben Sels replied that if that were to occur, one would consider going outside of it. Commissioner Daniel Wilson asked what counties that did not have existing unincorporated communities would do.

Commissioner Russell van Loben Sels (alternate for North Delta Water Agency) noted that draft Land Use Policy 11 discussed both clustering and transfer of development rights, and that these two topics should be separated into distinct policies for improved clarity. He also noted that draft Land Use Policy 12 needed a date to ensure that zoning did not change. Commissioner McGowan noted that this would constitute a zoning freeze and could be legally challenged.

Commissioner McGowan noted the Commission was probably closer to agreement than realized. Commission Chair Nottoli asked DPC staff and the consulting team to revise draft text for Land Use Policy 11 and coordinate planner comments on this draft text, in order to help inform the Commission's deliberations in August.